Elder Abuse in Manitoba

A Discussion Paper From the Minister Responsible For Senior Citizens

23 June 1989

90-00448/

Minister of Northern Affairs
Minister responsible for Native Affairs
Minister responsible for Seniors

333 Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

July 26, 1989

Dear Manitobans:

On June 23, 1989, our government took an important step towards protecting seniors with the release of a discussion paper regarding elder abuse.

We have enclosed our discussion paper which deals with the many forms of abuse including; physical, financial, and psychological abuse, so you may have an opportunity to comment on or bring forth new suggestions on ways to combat elder abuse in Manitoba.

In the paper, we have outlined some steps the government of Manitoba proposes to take depending on the direction and response we receive from you. It must be remembered that these are only suggested steps and that we need input from you and your organization on the appropriateness and effectiveness of the recommendations contained in this paper.

The Seniors Directorate is co-ordinating the distribution of the abuse paper and will also be responsible for compiling your responses to government.

If you or your organization wish to comment on the enclosed discussion paper please phone the Directorate at 945-2127, or send your written response by November 30, 1989 to:

The Honourable James E. Downey
Minister responsible for Seniors
Room 333, Legislative Building
Winnipeg, Manitoba
R3C 0V8

We will also be holding regional meetings throughout Manitoba to discuss the recommendations in this paper. If your group would be interested in a consultation meeting, please contact the Directorate at 945-2127 by September 30th.

Looking forward to receiving your help and advice.

Sincerely,

James E. Downey
Minister

Enclosure

A Message From the Minister Responsible For Seniors

I am sending this discussion paper on Elder Abuse to community groups across Manitoba — Seniors' organizations, churches, Legions, service clubs and other community organizations. I'm writing to ask you to help me stop elder abuse in Manitoba.

Elderly people in Manitoba do suffer abuse. Some are physically abused. Some who cannot care for themselves are neglected, willfully or through inadvertence. Some are threatened and intimidated. Some are victims of theft and extortion.

This abuse — whether physical of financial — is a crime. It is also a tragedy, not only because of the suffering it causes for the elderly person, but also because, in most instances, those who commit these crimes are relatives — people who are responsible for the care of the aged person but who, for whatever reason, find themselves unable to cope with the stress and demands of that responsibility.

But elderly abuse has been an invisible crime and an invisible tragedy in Manitoba. Many, if not most, cases of elder abuse are not reported or detected. We know it occurs, but we simply don't know how common it is. Abused Seniors often cannot or will not seek help, because of frailty, confusion, fear of being institutionalized, or shame and guilt at being victimized by a loved relative. Those who commit abuse are too ashamed and too frightened of the consequences of their actions to seek the help they need.

As long as elder abuse remains invisible, it will continue. As long we fail to acknowledge it as a serious problem — a crime and a tragedy — we will not be able to protect the elderly, to counsel and help those who provide care and find themselves under stress.

The Manitoba Government has prepared this discussion paper as a first step in building community wide awareness of this problem, and fueling a community wide determination to stop elder abuse in Manitoba.

The discussion paper provides some facts about elder abuse. It describes some of the initial steps the Government will be taking to provide the protection that older people need and to begin to find out just how widespread elder abuse really is in Manitoba. And it provides an agenda that I am asking groups across Manitoba — Seniors' organizations, church groups, community groups of all kinds — to use in your own discussions and your own efforts to find ways to help prevent elder abuse.

In your discussions, I would ask you to do two things. The first is to talk about ways in which each of you and your organizations, in your communities, can help protect the aged. The second is to give me your advice on additional steps the government should take to prevent elder abuse in Manitoba.

Abuse of the aged is a crime, and it is tragedy. It exists in Manitoba — although we do not yet know to what extent. Working together, government and the community can stop it. Please — discuss the problem, look for solutions, and then — write to me and give me your help and advice.

Jim Downey
Minister Responsible For Seniors

Elder Abuse: the facts

Who Are the Abused Elderly?

There have been few studies of elder abuse, in Manitoba or elsewhere, but those that have been carried out suggest that many victims of elder abuse have a number of things in common.

Most are unable to live independently because of physical or psychological health problems.

Because of their disabilities, these elderly people depend on others for their care. Some live in care institutions, but most live with relatives, friends or in other "informal" care arrangements.

The majority are isolated, with little contact with people other than the ones who are caring for them.

Many of these older people wish to avoid institutionalization: they fear having to enter a nursing home or other care facility.

Manitoba studies suggest that most victims of elder abuse are women aged 75 or over.

In short, the victims of elder abuse are vulnerable older people — vulnerable because of their disabilities, because of their dependency on others, their isolation and because of their fear of being moved from their living situation into an institution.

Who Are the Abusers?

There are cases of institutional abuse of the elderly, although government standards and inspections of care institutions appear to be generally effective. There are cases of abuse by spouses. Tragically, the studies indicate that in most cases the abuser is a close relative: a son, daughter or son or daughter-in-law.

In some cases, the abuse of the elder is merely an extension of other abusive relationships: in settings marked by spousal and child abuse, drunkeness and violence it is unfortunate but not surprising when vulnerable older people are also victimized; in settings where theft and dishonesty are "normal" behaviour, it is unfortunate but not surprising that the vulnerable older person will also fall prey to the thief.

In other cases, it appears that abuse of the elder grows out the stresses of the care-giving situation. As the older person becomes more and more frail or confused, the demands of providing care grow. Where the older person is also isolated from his or her friends or other contacts, the care-giver may be the only source of companionship available.

Often, the responsibilities of providing care can lead to the isolation of the care-giver as well, as he or she finds a greater and greater portion of his or her total time and energy being absorbed in caring for the older person. Sometimes, in addition to caring for the elderly person, the care-giver is also responsible for caring for his or her own children, and the burden can be staggering.

Where the care-giver has no knowledge of the sources of help and support available to them from government and the community, the burden of responsibility can overwhelm them: they may strike out at the older person — in anger and frustration; they may neglect the dependent elderly person — willfully or through fatigue and an inability to cope with the pressures involved. And once a pattern of abuse begins, it is doubly unlikely that the care-giver will seek help because of the shame and fear associated with their actions.

Studies also suggest that the risk of abuse is higher in situations where the care-giver is financially dependent on the disabled older person. In effect, these situation are a double trap, with neither the Senior nor the care-giver perceiving any alternative for themselves.

In short, in some cases the crime of elder abuse is merely an extension of other criminal behaviour. But it would appear that, in many other cases, the crime occurs — not because of criminal intent or established patterns of brutality and dishonesty on the part of the care-giver — but because the stresses of the care-giving situation prove overwhelming, and there is no apparent access to help or support.

What Kinds of Elder Abuse Occur In Manitoba?

It appears that one of the more common forms of elder abuse in Manitoba is financial abuse: stealing and cashing of pension or other cheques, or extortion of funds from the elder by pressure or through a threat — explicit or not — to abandon them.

In many situations, elder abuse may first manifest itself in abusive language — exchanges with the elderly person that begin to move beyond acceptable limits for family quarrels and degenerate into systematic psychological abuse or intimidation.

Elder abuse may involve neglect — a deliberate or unthinking failure to meet the needs of the older person for physical care, food, company and companioniship.

Finally, elder abuse can be straightforward physical abuse: hitting or beating the older person, pushing him or her over. inflicting physical pain.

Elder Abuse: the questions to consider

Regardless of the exact form abuse may take in any situation, elder abuse is always a crime and it is always a tragedy.

The questions that Manitobans and their government must address are:

- **How do we detect, prevent and punish the crime of elder abuse in Manitoba?**
- **How can we avert the tragedy that is the other face of elder abuse in Manitoba?**

Detecting and Preventing Elder Abuse: a role for government and for the community

Elder abuse has been "invisible" in Manitoba. Those involved — as victims or perpetrators — tend not to report cases of elder abuse; they tend not to seek help.

Because elder abuse is unthinkable to most people, we are often not alert to the evidence that it occurring. An older person may be brought to a doctor or hospital with injuries that are consistent with physical assault, and the health services system may accept explanations that they occurred accidently without further thought or investigation — simply because the idea of anyone assaulting a helpless elderly person is unthinkable.

Older people may be the victims of theft or extortion, but feel helpless to resist; even where financial institutions or others are suspicious, they may see no alternative to silence.

Because many vulnerable older people are isolated, they have no one to turn to; their friends or others who might have helped have no way of knowing that the elderly person is being neglected or abused.

The First Step: identifying physical abuse when it occurs

The Seven Oaks Hospital in Winnipeg operated a pilot program in which all cases where older people came to the hospital with suspicious injuries were identified and followed up by the hospital's social work staff.

That program will be extended to all hospitals in Manitoba. It will involve:

- provision of training and orientation to clinicians and other hospital staff on the indicators of the physical abuse of the elderly to ensure that suspicious injuries are identified, reported and responded to
- provision for immediate follow-up, through the hospitals' own social work staff or through the Spousal and Family Abuse group within the Department of Family Services
- establishment of a central provincial Registry of Abused persons to which all cases of known or suspected elder abuse are reported.

The Department of Health will work with the Manitoba College of Physicians and Surgeons to develop a program to achieve a parallel level of awareness and reporting among physicians, so that in all cases where a vulnerable elderly person seeks health services, the possibility of abuse is addressed and dealt with.

This program, too, will lead to reports on all cases of known or suspected abuse to the Provincial Registry.

Finally, all police officers and Crown attorneys will be the target for an information program on the indicators and nature of elder abuse, including the importance of reference to the Provincial Registry in all suspicious cases.

The Registry of Abused Persons

Internal studies by the Provincial Gerontologist and the Seniors' Directorate and community consultations — including the report of the Manitoba Women's Initiative — have called for the establishment of a Central Registry of Abused Elders.

The Registry wll maintain records of the names and living situations of all Seniors who are known to have been abused and of cases where there is a suspicion that abuse in occurring.

In the first instance, the focus will be on the vulnerable person rather than on attempts to identify all abusers. Having this information will:

- encourage health services professionals and others to report all cases of known or suspected abuse
- permit early identification of real abusive situations by tracking repetition
- provide the information needed to trigger criminal or other investigations or interventions
- provide reliable information on the extent and nature of elder abuse in Manitoba so that government and the community can develop effective responses.

A Second Step: providing options and protections against financial abuse

At the present time in Manitoba, an elderly person can have his or her income and assets protected by the Public Trustee, but only if he or she is considered to mentally incompetent. In these cases, the trustee relationship is total and difficult to revoke: in effect, it involves the older person losing total control of his or her income and assets idefinately. Not surprisingly, many older people are reluctant to enter into such arrangements.

Other provinces have taken steps to provide access to voluntary and partial trustee relationships for the aged. A Senior Citizen can, if he or she wishes, appoint the Public Trustee to help manage his or her income and/or assets without being declared incompetent. Under such an arrangement, pension cheques and other income would be paid directly to the Trustee; the Trustee would have to be satisfied that the older person's interests were being protected before any moneys covered by the trust agreement could be transferred, and would negotiate on the Senior's behalf.

Manitoba will introduce the appropriate legislation to establish access for Senior Citizens to voluntary and partial trustee management of finances.

The exitence of this option will be communicated to Senior Citizens throughout Manitoba. In addition, all financial institutions and advisors will be informed of the indicators of financial abuse and of the existence of the voluntary and partial Trusteeship so that, in cases where financial abuse is suspected, the information can be passed on to the Senior Citizen.

Step Three: an enhanced ability to intervene

In many cases, situations degenerate into abusive situations because of the isolation of the vulnerable older person and the care giver, and because there is no clear mechanism and no resources to ensure that suspect cases are followed up.

Manitoba will add extra positions to the Family Disputes Unit of the Department of Family Services to ensure that there are sufficient trained professionals available to respond to known and suspected cases of abuse.

Step Four: effective support for the caregiver

One of the values that Manitobans share is a belief that, where possible, we should each be actively involved in caring for our aging parents and other relatives.

Where family members will care for a vulnerable older person, the older person is spared the need to become uprooted and enter an institution; many prefer to receive care from a loved one rather than from the staff of institutions regardless of how capable and dedicated that staff may be. Where families themselves care for the aged, the costs to society are vastly smaller than they would be if the older person were to be institutionalized.

In short, it is preferable in human terms and in overall cost terms that, wherever possible, families accept the responsibility of caring for their own.

There are a wide range of public services available to help families meet these responsibilities including access to Continuing Care services, respite care in nursing homes, and a variety of other services. In many cases, however, families are either unaware of these services or feel that they would somehow not qualify for them. Government has not done an adequate job of informing people either of the availability of these services, or of their intent which is to assist and encourage families or individuals who choose to provide care to aging relatives or friends.

Manitoba will undertake an information program aimed at the general public and at health services professionals to raise awareness and understanding of these services to assist older people and those who give them care to deal with the demands and stresses of these situations.

Step Five: counselling to help avert tragedy

The crime of elder abuse is often a double tragedy. It is a tragedy for the older person who is abused, but it can also be a tragedy for the friend or relative who accepted the responsibility to provide care but then finds him or herself unable to manage the stress that this involves.

Governments in Manitoba have had a series of discussions with the Age and Opportunity Bureau over the past five years about the best means of combatting elder abuse.

It was the Age and Opportunity Bureau that first argued — forcefully and well — that we need to take action to deal with this crime.

Manitoba will provide funding to the Age and Opportunity Bureau to develop a plan for a counselling service for older people and caregivers to help identify and respond to the indicators that siutations are becoming unstable and dangerous to both.

The government will ask that the Age and Opportunity Bureau and the Manitoba Society of Seniors both advise as to the most appropriate public information program to ensure that those who can benefit from such a service are effectively reached.

Step Six: the community role — combatting the isolation and invisibility

One of the most terrifying characteristics that many victims of elder abuse have in common is isolation: their former friends and other contacts are gone. That is a significant element in their vulnerability, and in the stresses that can lead to elder abuse.

Was the older person a member of a Legion? A service club? A church? Was he or she a friend of yours? A coworker? Have relatives moved away and only call at Christmas?

And many caregivers face a parallel isolation as the demands of providing care crowd out their other contacts. Deciding to try to care for your aging mother or father should not be a sentence to lonliness.

In both the case of the older person and the caregiver, it's easy to decide to "mind my own business", and let them drift away. Do we see signs that concern us? If so — they ***are*** our business and we should talk to the individuals involved and, if that fails, to someone else who can help — one of the organizations we belong to, a Minister or priest, or the Child and Family Abuse Unit of the Department of Family Services.

Questions for your organization to consider

Because elder abuse has been largely invisible in Manitoba, most of us have never really thought about it or talked about it. If we really want to stop elder abuse in Manitoba, organizations across Manitoba should be considering these questions:

- What can you as individuals do to help prevent the tragedy and help detect the crime of elder abuse?
- As members of your organization, can you ensure that your older and more vulnerable members are not isolated?
- Can you provide help or support for those who are striving to care for aging relatives?
- Can you take steps to be sure that you are alert to the indicators of elder abuse, and that your members are aware of the action they can take to help?

Combatting the Crime and Preventing the Tragedy: a partnership between government and the community

Government is taking strong steps to deal with the crime of elder abuse. Through the new tracking and reporting systems we are putting into place, we will detect the crime far more quickly and effectively than in the past. And it will be punished.

But government alone cannot prevent the tragedy of elder abuse: the isolation and the stress that can lead to otherwise decent and responsible people being trapped in a cycle of shame and fear.

There are government services that can help. We will be working to ensure that everyone knows of them and we would like each of the organizations that receives this paper to do the same, just as we know that each of your organizations will look to things that you can do to prevent this tragedy. We need your help. Vulnerable older people in Manitoba need your help.

And if necessary, government ***will*** do more — we will develop additional services and protections if these are needed. But government cannot do it alone.

We want your advice. What other steps should government take to help combat the crime and prevent the tragedy of elder abuse?

Please, think about it. Talk about it. And look around you with a very clear eye: elder abuse has been invisible in Manitoba, and so it has continued. We cannot permit it to be invisible any longer.

Together — Manitobans and their government can stop the crime and prevent the tragedy of elder abuse. And that is a challenge worth meeting.